

Freedom of Information Act 2000 (Section 48)

Practice Recommendation

Department of Education Northern Ireland

16 October 2025

Summary

Section 48 of the Freedom of Information Act 2000 (FOIA) empowers the Information Commissioner to issue a practice recommendation where it appears that a public authority has failed to conform, specifically, to the FOIA Codes of Practice.

The Department of Education Northern Ireland does not publish compliance statistics as required of a public authority of its size. The Commissioner has reached the view that the Department's practices do not conform to part 8.6 of the section 45 Freedom of Information Code of Practice, issued by the Cabinet Office in July 2018 (the Code).¹ These failures are addressed in the recommendations section below.

Recommendations

Area of Code	Non-conformity	Recommendation of steps to be taken
Part 8.6 – compliance statistics Part 8.6 states: "When public authorities publish their statistics, they should do so on a quarterly basis".	The Department is not conforming to part 8.6 of the Code. It has published details of its performance on an annual rather than quarterly basis.	<ol style="list-style-type: none">1. The Department should update its published statistics quarterly in accordance with part 8.6 of the Code.2. The Department should consider the Commissioner's published guidance on How to report on your performance on handling requests for information under FOIA 2000, and use the accompanying templates if required.

¹ <https://www.gov.uk/government/publications/freedom-of-information-code-of-practice>

Reasons for issuing this Practice Recommendation

In early 2025 the Commissioner's staff undertook an assessment of all nine Northern Ireland government departments to ascertain whether they were publishing information request handling performance statistics according to the requirements of the Code. The Department of Education was identified as not publishing the compliance statistics expected of a public authority of its size.

In March 2025 the Commissioner provided a reminder of the requirements of the Code around publication, and asked the Department to confirm how it proposed to ensure compliance with the Code. We also made it aware of the Commissioner's online resource specifically developed to make it easier for public authorities to carry out this kind of work.

In April 2025 the Department advised the Commissioner that had published annual statistics relating to 2024.² Whilst the Commissioner welcomes the publication of this information, the content of which meets the recommendations set out at part 8.5 of the Code, it falls short of part 8.6, which recommends that statistics be published on a quarterly basis.

This practice recommendation formalises the Commissioner's findings and holds the Department accountable for improving its practices regarding the publication of compliance statistics. Doing so will increase public confidence and trust in its information rights practices.

² <https://www.education-ni.gov.uk/articles/management-information-freedom-information-compliance>

Failure to comply

A practice recommendation cannot be directly enforced by the Commissioner. However, failure to comply with a practice recommendation may lead to a failure to comply with FOIA, which in turn may result in the issuing of an enforcement notice. Further, a failure to take account of a practice recommendation may lead in some circumstances to an adverse comment in a report to Parliament by the Commissioner.

The Department should write to the Commissioner within a month of the date of this practice recommendation to confirm that it has complied with its recommendations and how it has achieved this. The Commissioner will have regard to this practice recommendation in his handling of subsequent cases involving the Department.